

Message Text

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C O N F I D E N T I A L SANTIAGO 11848

FOR THE DEPUTY SECRETARY FROM AMBASSADOR

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TAGS: PLOS, CI
SUBJECT: INTERSESSIONAL CONSULTATIONS ON LAW OF THE SEA

REF: STATE 298001

1. GENERAL: AS SEEN FROM SANTIAGO, THE USG AND GOC HAVE A GOOD AND USEFUL RELATIONSHIP ON THE LOS. THERE ARE A FEW AREAS WHERE WE DIFFER, BUT EVEN THERE THE CHILEANS TEND TO TAKE A LOW KEY, CONCILIATORY APPROACH, AND TO SEEK ACCOMMODATION WITH THE USG. THEY PRIDE THEMSELVES FOR HAVING BEEN A RESPONSIBLE LEADER ON THE SUBJECT DURING THE POSTWAR PERIOD. THEIR SPECIAL RELATIONSHIP WITH PERU AND ECUADOR LIMITS THEIR MANEUVERABILITY SOMEWHAT, BUT ALSO ENABLES THEM TO ACT AS A BRIDGE TOWARD THE TWO OTHER COUNTRIES. THE CHILEAN LOS DELEGATION IS ABLE AND HAS BROAD NEGOTIATING INSTRUCTIONS. IT IS PROBABLY THE MOST IMPORTANT ELEMENT IN GOC DECISION MAKING. THE FOLLOWING SPECIFIC COMMENTS REFLECT A CONVERSATION WITH THE FONMINISTRY'S PRINCIPAL LOS EXPERTS: DIRECTOR OF SPECIAL AFFAIRS JORGE BERGUNO, AND LOS/ANTARCTICA DESK OFFICER SIGISMUNDO MONSALVES.

2. GOC DECISION MAKING: AN INTERMINISTERIAL GROUP CHAIRED
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BY FONMIN PATRICIO CARVAJAL HANDLES GOC LOS POLICY AND DECIDES

ON MAJOR NEGOTIATING ISSUES, BUT MOST DECISIONS TEND TO BE MADE AT THE WORKING LEVEL. THE GROUP PREPARES GENERAL INSTRUCTIONS FOR EACH LOS SESSION, WHICH ARE APPROVED BY PRESIDENT PINOCHET AND REVISED FOR THE NEXT SESSION. THESE INSTRUCTIONS ARE SO BROAD THAT THE FONMINISTRY HAS NEVER NEEDED TO ADDRESS FURTHER QUESTIONS TO THE PRESIDENT DURING LOS SESSIONS. THE MINISTRY SENDS SPECIFIC INSTRUCTIONS TO THE CHILEAN DELEGATION AS NEEDED, BUT THE DELEGATION IS SO COMPETENT THAT THE MINISTRY SELDOM NEEDS TO INTERVENE.

3. THE LOS GROUP INCLUDES REPRESENTATIVES FROM THE NAVY STAFF, THE ACADEMIC COMMUNITY, AND FISHING INTERESTS (SOCIEDAD NACIONAL DE PESCA). ON SPECIFIC SUBJECTS IT MAY CALL ON THE NATIONAL DEFENSE STAFF, ECONOMIC MINISTRIES AND OTHER GOVERNMENT EXPERTS (E.G., ON DEEP SEABED COPPER MINING). CARVAJAL CHAIRS PERHAPS ONE-THIRD OF THE MEETINGS, AND CHIEF OF NAVY STAFF ADMIRAL CARLOS LE MAY ATTENDS ABOUT AS OFTEN. OTHERWISE, REPRESENTATION IS GENERALLY AT THE DIRECTOR LEVEL.

4. KEY PERSONNEL: IN ADDITION TO CARVAJAL AND LE MAY, THE KEY NAMES ARE BERGUNO AND MONSALVES THEMSELVES, PATRICIO PRIETO OF THE NAVY (WHO PARTICIPATES IN THE CHILEAN DELEGATION), PROFESSORS OF THE UNIVERSITY OF CHILE FRANCISCO ORREGO AND SANTIAGO BENADAVA, AND FERNANDO ZEGERS, CAREER DIPLOMAT PERMANENTLY POSTED IN GENEVA WHO HEADS THE DELEGATION AND IS CHILE'S PRINCIPAL EXPERT ON LOS. ZEGERS HAS AN IMPORTANT ROLE IN GOC DECISIONS. THE VARIOUS SPECIAL INTEREST GROUPS HAVE AN IMPACT ONLY ON THE MATTERS OF THEIR PARTICULAR CONCERN.

5. BOTH BERGUNO AND MONSALVES ARE BEING POSTED ABROAD IN JANUARY. THEIR DEPARTURE MAKES MORE IMPORTANT THE US DELEGATION'S WORK WITH THE CHILEAN DELEGATION.

6. HOW TO INFLUENCE THE GOC:

A) THE CHILEAN DELEGATION: BERGUNO DESCRIBED THE GOC DELEGATION AS HAVING GREAT NEGOTIATING CAPACITY AND CONSIDERABLE LATITUDE WITHIN ITS GENERAL INSTRUCTIONS. THE MOST IMPORTANT MEANS OF INFLUENCING THE GOC IS THROUGH THE DELEGATION, AND THE DELEGATION'S INFLUENCE WILL INCREASE WITH

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BERGGUNO'S DEPARTURE FROM SANTIAGO. DURING THIS INTERSESSIONAL PERIOD IT WOULD BE USEFUL FOR US EXPERTS TO MAINTAIN CONTACT WITH ZEGERS IN GENEVA, OR HERE, SINCE HE WOULD PROBABLY BE ORDERED BACK FOR CONSULTATIONS SHOULD US EXPERTS VISIT SANTIAGO.

B) VISIT OF EXPERTS: NEXT MOST USEFUL WOULD BE A VISIT BY US EXPERTS, TO GO OVER THE GENERAL SCENE AND US OBJECTIVES

AND STRATEGY, AND TO SEEK ACCOMMODATION WITH THE GOC WHERE VIEWS DIFFER. SUCH A CONSULTATION SHOULD PROBABLY OCCUR IN MARCH: VACATIONS COME IN JANUARY/FEBRUARY, AND A MEETING SOON AFTER WOULD ALLOW US VIEWS TO BE CONSIDERED BEFORE GOC INSTRUCTIONS ARE DRAFTED.

C) LETTERS: LETTERS FROM SENIOR US OFFICIALS TEND TO BE TOO GENERAL TO BE VERY EFFECTIVE, BUT THEY ARE USEFUL IN FOCUSING ATTENTION ON A CHANGE OF POLICY OR DECISIVE MOMENT. THEREFORE, A LETTER INDICATING THE THINKING OF THE NEW US ADMINISTRATION MIGHT BE APPROPRIATE.

D) REPRESENTATIONS BY THE EMBASSY: CAN USEFULLY BACK UP THE EXPERTS.

7. BILATERAL CONSIDERATIONS:

A) US-CHILEAN BILATERAL RELATIONS: WE DOUBT THAT THE DETERIORATION IN US-CHILEAN BILATERAL RELATIONS HAS SIGNIFICANTLY AFFECTED THE GOC'S LOS POLICY. THE DEPARTMENT AND US DELEGATION NEVERTHELESS SHOULD HAVE IN MIND THIS BROADER BILATERAL PROBLEM; IT WOULD BE SIGNIFICANT IN SPECIFIC TACTICAL MOMENTS.

B) THE LANDLOCKED: FOR LOCAL BALANCE-OF-POWER REASONS, THE GOC MUST SUPPORT BOLIVIA.

C) PERU AND ECUADOR: THE THREE COUNTRIES ARE COMMITTED TO ACT TOGETHER ON SOME ISSUES. THUS, SOMETIMES CHILE MIGHT TAKE HARDER POSITIONS THAN ITS INTEREST WOULD OTHERWISE DICTATE, BUT AT OTHER TIMES IT MAY ACT AS A BRIDGE. THE DETERIORATION IN GOC RELATIONS WITH PERU COULD AFFECT THIS RELATIONSHIP, BUT MORE LIKELY THE GOC WILL TRY TO ISOLATE

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THE LOS FROM ITS BROADER BILATERAL PROBLEMS WITH PERU. ECONOMIC ZONE: THE APPROACHES OF THE THREE COUNTRIES ARE NOT EXACTLY THE SAME, AND BERGUNO OPINED THAT CHILE IS PROBABLY CLOSEST TO THE US. FISHING: THE TREATY OF SANTIAGO BINDS CHILE TO TRILATERAL SOLIDARITY, AND FISHING IS IMPORTANT TO CHILE. NEVERTHELESS, CHILE DIFFERS FROM PERU AND ECUADOR IN THAT IT HAS NO FISHING CONFLICTS WITH THE US, AND THEIR FISHING IS MUCH MORE IMPORTANT FOR THEM. FREEDOM OF NAVIGATION IN ECONOMIC ZONE: CHILE IS ALLIED WITH THE OTHERS, BUT DOES NOT WANT ITS FREEDOM OF NAVIGATION TO BE LIMITED AS A RESULT. RESIDUAL RIGHTS IN THE ECONOMIC ZONE: THE THREE ARE COMMITTED TO TAKE THE POSITION OF COASTAL COUNTRIES CONTRARY TO THE US. BUT THE GOC TAKES INTO ACCOUNT THE USG'S PROTECTOR FUNCTION, IN WHICH ITS SECURITY REQUIRES FREEDOM OF NAVIGATION. ON THIS ISSUE, BERGUNO SUGGESTED THE USG WATCH FOR SUBTLETIES

IN THE CHILEAN POSITION AND PLAY IT COOL--I.E., ZEGERS MAY
BE SOFTER THAN SANTIAGO.

D) CIPEC: THE DECEMBER MINISTERIAL MEETING OF COPPER
PRODUCERS ADOPTED A GOC-INITIATED RESOLUTION AGAINST UNI-
LATERAL ACTIONS ON DEEP SEABED MINING AS LONG AS THE LOS
NEGOTIATION IS GOING ON. THIS MINING IS A MORE DIRECT
CHILEAN INTEREST THAN FISHING, SINCE IT WILL AFFECT THE
SENSITIVE COPPER MARKET, AND THE MARKET OF RARE METALS.
POPPER

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